



In The United States Patent and Trademark Office

For:

TIERED WEB SITE WITH WEB-TIER ADMISSION CONTROL BASED ON UTILIZATION DATA GENERATED ON APPLICATION TIER

Applicant: Arthur S. Harkin et al.	Attorney Docket No.: 10006843-1		
Serial No.: 09/916,101 (8431)	Filed: July 25, 2001	Art Unit: 2145	Examiner: Jeffrey R. Swearingen

Honorable Commissioner of Patents
Washington, DC 20231

Response B (After Final)

Sir:

This is a response to the Office Action dated March 10, 2005. Reconsideration is respectfully requested.

[01] Introductory Remarks

[02] The Office Action rejects Claim 1 for anticipation by U.S. Patent No. 6,055,564 to Phaal, "Phaal" herein. This rejection is traversed because Phaal does not disclose that resource utilization is generated on an application tier and admissions control to be performed on a client-response tier.

[03] Applicant focuses herein on two errors in the most-recent Office Action. 1) The Office Action failed to interpret the claims in light of the specification in that "tier" is defined inconsistently with its use in the specification. 2) The Office Action erroneously concludes that Phaal's admissions control gateway operates independently of Phaal's resource monitor.